

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The final Office Action dated May 3, 2005, indicated that claims 1-12 are rejected under 35 U.S.C. § 102(e) over Bechtolsheim *et al.* (U.S. Patent No. 6,515,963); claims 13-18 and 20-23 are rejected under 35 U.S.C. § 103(a) over Bechtolsheim *et al.* in view of Silberschatz *et al.* (U.S. Patent No. 6,556,578); and claim 19 is rejected under 35 U.S.C. § 103(a) over Bechtolsheim *et al.* in view of Silberschatz *et al.* and further in view of Aweya *et al.* (U.S. Patent No. 6,690,645).

In the Advisory Action dated August 16, 2005, the Examiner introduces new grounds of rejection by relying upon a new citation to the '963 reference. Applicant submits that these newly relied upon teachings also fail to correspond to the claimed invention for reasons similar to those presented previously. For example, Applicant fails to recognize where the '963 reference at column 13, lines 40 – column 14, line 25 teaches “matching flow identifier of the received packet with the flow identifier of the stored packet in the queue in order to determine if the packet enqueue or tag for the different flows” as asserted by the Examiner; Applicant further fails to recognize how such teachings would relate to the claimed invention. The only comparison apparently discussed in the newly cited portion is the number of free cells available in the router/switch state with the number of cells available in the reserve pool of buffer cells. Column 13, lines 45-46. Moreover, the cited portion does not contain any reference to at least one packet selected from a set of outgoing packets, as claimed. Thus, the primary '963 reference fails to support any of the rejections and fails to correspond to the asserted aspects of the claimed invention. Without a presentation of correspondence to each of the claimed limitations, the Section 102(e) and Section 103(a) rejections cannot be maintained. Applicant accordingly requests that each of the rejections be withdrawn.

In an effort to facilitate prosecution, Applicant has added four additional claims that incorporate the subject matter of claim 1 and that largely correspond to the subject matter recited in original claims 1-5. These additional claims do not introduce new

matter and are believed to be patentable over the cited references for the reasons stated above and those repeated below.

Applicant also maintains the remaining, previously presented distinctions and remarks.

Applicant respectfully maintains the traversal of the prior art rejections (Sections 102(e) and 103(a)) because the Examiner fails to present a reference or combination of references that corresponds to, or in any way addresses the issues of, the claimed invention. More specifically, the '963 reference fails to teach the claimed invention including, for example, limitations directed to matching with "at least one packet selected from a set of outgoing packets." *See, e.g.*, claim 1. The cited comparisons in the '963 reference do not compare packets via matching flow identifications. Rather, the '963 reference teaches comparing a dynamic buffer limit with the size or count that is currently in the buffer. Based upon this comparison, the received packet is processed or enqueued. Col. 9, lines 60-67. At page 6, the Examiner further asserts that the creation of the hash index corresponds to the claimed matching. This is also incorrect as the cited portion states that extracted header data is transformed but does not discuss any sort of matching. Col. 5, lines 64-67.

As discussed in the previous Office Action Response, the cited DBL technique in the '963 reference is unrelated. The instant Specification discusses examples of the claimed matching flow identifications, for example, at page 6, lines 4-15. Without a presentation of correspondence to each of the claimed limitations, the prior art (Sections 102(e) and 103(a)) rejections cannot be maintained. Accordingly, Applicant requests that each of the rejections be withdrawn.

As each of the independent claims includes limitations similar to those discussed above, the Office Action fails to present a *prima facie* rejection for any of the instant claims. Thus, Applicant requests that each of the rejections be withdrawn.

In view of the above discussion, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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